Previous references.

B. May 1905 Sls 1+2 Same file

File No. 274

1904

(III Courts)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 341

PART B FOR June 1905

SUBJECT.

Appeal against the order passed by the Sessions Judge, Mysore Division, in Hassan Sessions Case No 7 of 04-05 (Hanumanahally murder case).

FILE No. 274 of 1904-05.

Appeal against the order passed by the Sessions Judge, Mysore Division, in Hassan Sessions Case No. 7 of 1904-05 (Hanumanahalli Murder Case).

3 From the Inspector General of Police in Mysore, No. 7034—745, dated the 15th June 1905.

Requests that, for the reasons stated, he may be permitted to appoint a Special Government Advocate for the conduct of the above appeal.

4 To the Inspector General of Police in Mysore, No. J. 3631—C. 247-2, dated the 17th June 1905.

States that Government are of opinion that the Government Advocate should not be replaced by another counsel merely on the ground that the former expressed an adverse opinion as regards the filings of an appeal in the case in question and that it is sufficient that the Government Advocate is backed up with proper instructions as directed in Government Order No. J. 3385-6—C. 274-2, dated the 25th May 1905.

B. May 1905; Sls. 1-2: same file.

G. R. S.

(163)

G. R. S. 11] 1904.

GENERAL AND REVENUE SECRETARIAT.

(Govt.)

NOTES.

File No. 274

FILE HEADING.

Appeal against the order passed by the Sessions Judge, Mysore Division, in Hassan Sessions Case No. 7 of 1905 (Hanumanthaiya murder case)

From

The Inspector General of Police in Mysore

No. 7034/745 Dated 10/6/05 Received 11/6/05

Diary No. 1552	Enclos. 2	Spare Copies. –	Serial No. 3

BRIEF ABSTRACT OF LETTER.

Requests that for reasons stated he may be permitted to appoint a special Govt Advocate for the conduct of the above appeal.

NOTES AND ORDERS.

As the Govt Advocate was of opinion that the case was not a fit one for appeal, the Inspector General feels that that officer will not take real interest in the case and that the prosecution will be at a disadvantage

NOTES—First sheet.

MGCPB-30,000—17 2-05.

G.R.S. 12]
General and Revenue Secretariat.

N File No. 276 of 1904

Serial No.

He further stated that
to cope with the defence. As the accused
persons are rich & influential and are
likely to employ the best available
Counsel He therefore prayed that a
special Pub Advocate may be permitted to
be appointed

6
Under rule
of the standing orders of the 16th March,
the employment of legal practitioners
other than the Govt Advocate in cases in
which his employment is permissible
should be made only when he is not
available

Subject to orders
No SF 14/6/05
14/6/05

3 The mere fact that a legal
practitioner holds personally a view
opposed to that of his client does not
disqualify him from urging his
client's views before the Court.
It seems a delicate matter, and one
hardly necessary, to supersede the
Pub Advocate on this ground. All
that is required is to back him up
with instructions, & this has been arranged
for by a direction of the D.S. of S. to depute the
Police Supdt or other competent person for the

NOTE—Contn. sheet

MGCPB—50,000—17-2-05

Serial No.

Vide paras of the G.O.
25-5-05
See 4
15.6.08

4 For a draft
15.6.1905

5 Submitted a draft
15/6/05

15/6/05

15/6/1905

15/6/1905

D. the Asst Secretary to Govt in Legislative
No. J 3631/C. 274-4 of the 17th June 1905.

Shall not the first exception
not the first Proviso should not be replaced
by another Counsel merely on the ground
that the former expressed an adverse opinion
as regards the filing of an appeal in the
case & all that is required is to bench
him up with proper instructions

Urgent & Confidential

1904-05.

From, J 2532

The Inspector General of Police
in Mysore.

To,

The Secretary to the Govt. of
H. H. the Maharaja of Mysore
Genl: & Rev: Departments.

Dated.

Despatched. 10 June 1905

Received.

General No: 7034
No: 745

Enclosure No: two

Re Hunumenahalli murder

URGENT & CONFIDENTIAL.

o: 7034/745

Office of the
Inspector General of Police in Mysore.
Dated, Bangalore, 10th June 1905.

From,

Rao Bahadur C. Madiah Esquire,
Inspector General of Police
in Mysore.

To,

B. K. Venkatavaradaiengar Esquire,
Secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Departments.

Sir,

Adverting to Government Proceedings No: J 3384-5 / Courts 274-2 dated 25th May 1905 regarding the Hanumanahally murder case of Alur Sub Taluk, Hassan District, I have the honor to forward herewith copies of D.O. dated 6th June 1905 from Mr. Wetherall Deputy Commissioner, Hassan District and of its enclosure.

Under the circumstances represented by the Deputy Commissioner, I request that you will be so good as to move the Government to permit me to appoint a special Government Advocate for the case.

The accused are reported to be rich and influential, and unless a competent advocate who takes a real interest in the case is appointed, I fear the prosecution will be at a disadvantage to cope with the defence which, it is believed, will retain the best counsel available.

I have the honor to be,
Sir,
Your most obedient servant,

Inspector General of Police.

2

Hassan.

4th June 1905.

Kind Sir,

I beg to acknowledge the receipt of a copy of the Government Proceedings No: J 3384-5/274-2 dated 25th ultimo; forwarded by the Inspector General of Police, in Mysore, with his O.M. No: 6733/223 dated the 27th idem, conveying sanction to the filing of an appeal, in the Chief Court against the acquittal order of the Sessions Judge in the Alur Sub-Taluk murder case No: 7 of 1904-05 known as Hanumanhalli murder. As usual the Government have authorized the Government Advocate to argue the above case before the Chief Court. But it is clear from the Inspector General's letter No: 6053/653 dated 28th April 1905 to the Secretary to Government, copy of which was received with the above officer's D.O. dated 2nd May last, that the Government Advocate who was requested to give his opinion, as to whether the case was a fit one for being appealed against stated in reply, that it was not, and that there were no strong points to attack the judgment of the lower Court. In human course of nature it is not ordinarily possible for any body to shake off an opinion once formed by him and argue a case with unbiased mind on grounds which he considered insufficient and

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the force and cogency of which he is not convinced.

It is therefore I most respectfully beg to suggest for the ends of justice that an advocate without prejudice should argue the appeal in this most important case. This procedure is not without precedent as I understand that in some important cases, including the recent Gubbi murder case, the Government were pleased to specially appoint Mr. Saligram Subba Rao and other Advocates of renowned ability to represent their interests in the Chief Court.

I therefore solicit that you will be kind enough to move Government though the Inspector General of Police in Mysore to pass orders appointing a special Advocate in respect of the present appeal so that one may have the satisfaction that all which could be done in the case has been done till the end with earnestness leaving the final result of the appeal in the impartial hands of the Honourable the Chief Court in Mysore.

I beg &c.,

(Signed.) M. Gulam Mohadeen Khan

P. R. W. Wetherall Esquire,
Deputy Commissioner & District
Magistrate of the Hassan
District.

" C O P Y "

Inspector General of Police.

Hassan

6th June 1905.

My dear Sir,

In enclosing D.O. letter dated 4th instant received from Mr. Gulam Mohideen, Assistant Superintendent of Police of - this District for favour of your perusal, I would particularly invite your reference to Mr. Carr's official letter No: - 6055/653 dated 28th April 1905 addressed to Mr. B.K. Venkata--varadaiengar, General and Revenue Secretary to Government. In that letter Mr. Carr mentioned that the Government Advocate had informed him that " there are not many strong points to - attack the Judgment of the lower Court, and therefore that - it is not a fit case for appeal " Further Mr. Carr express -ed in the same letter (a copy of which is herein enclosed for ready reference) as follows:- " The Government Advocate has apparently not taken the trouble to appreciate the facts set forth in the appeal memo forwarded to him for information ".

In these circumstances I think there is reason to antici-

-pate

anticipate that the Government Advocate would not be the best counsel to appear before the Chief Court in support of the appeal , against the Sessions Judge's acquittal of all the accused persons in this serious case of murder as already sanctioned by Government.

I therefore request that you will be so good as to move the Government to sanction the appointment of a Special Counsel to appear on behalf of Government in support of the appeal . I believe that such Special Counsels have been retained by Government in previous serious cases e.g. the appointment of Mr. Saligram Subba Rao on behalf of Government in the Gubbi murder case.

Yours sincerely,

Signed. P.R.W. Wetherall.

P.S. I may add that two of the accused persons viz. Ballu Guruve Gowda and his brother-in-law Nergalale -- Nanje Gowda are wealthy and influential men and are sure to retain the best available counsel on their behalf.

" C O P Y "

Inlld. P.R.W.W.

Inspector General of Police.

G.R.S. 28]

Cases

File No. 274

Serial No. 4

Diary No. of letter replied to ———

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

(Courts

, *the* 17/6/ 1905

Date of issue 17/6/05

Signed by Alt. N. Ramaiya

READ.— Letter No. 7034 dated the 10th June 1905 from the Inspector General of Police in Mysore, requesting for the reasons stated, permission to appoint a Special Government Advocate to conduct the appeal in before the Chief Court in the Hanumanahalli murder case ~~ORDER THEREON.~~ to be preferred ~~No. Sanctioned~~ in Government Proceedings No. J 3385-6 C.274-2 dated the 25th May 1905.

Order

SUBJECT

Order thereon. No. J 3631 8/17/6/05
C: 274-2

The Government are of opinion that the Government Advocate should not be replaced by another Counsel merely on the ground that the former expressed an adverse opinion as regards the filing of an appeal in the case in question. All that is required is to back the Govt advocate up with proper instructions and this has been arranged for in para 3 of ~~the~~ Govt order No J 3385/95/Cls 274.2 dated the 25th May 1905 by a direction to the I.G. of Police to depute the Police Asstt Supdt or other Competent person for the purpose

15/6/1905

15/6/06 Secretary

To The I.G. of Police in Mysore

Further para 6 of G.O. No 1932-85-J137 of the 16th March 1904 enjoins that the employment of legal practitioners other than the Govt Advocate & the Public Prosecutors, should be made only when the latter are not available.

Copied by [illegible] 17/6/05-

Examined by [illegible] 17/6

SW 15/6/05